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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their) No. CV-07-6403 CRB
capacities as Trustees of the LABORERS)
HEALTH AND WELFARE TRUST FUND)
FOR NORTHERN CALIFORNIA; LABORERS)
VACATION-HOLIDAY TRUST FUND FOR) **DECLARATION OF CONCEPCIÓN**
NORTHERN CALIFORNIA; LABORERS) **E. LOZANO-BATISTA IN SUPPORT**
PENSION TRUST FUND FOR NORTHERN) **OF EX PARTE APPLICATION TO**
CALIFORNIA; and LABORERS TRAINING) **CONTINUE CASE MANAGEMENT**
AND RETRAINING TRUST FUND FOR) **CONFERENCE**
NORTHERN CALIFORNIA,)

Plaintiffs,

v.

KEN DOUGLAS SCHULDT, Individually;
KEN DOUGLAS SCHULDT, Individually and
doing business as ALL ACCESS BOBCAT;
ALL ACCESS BOBCAT,

Defendants.

I, CONCEPCIÓN E. LOZANO-BATISTA, declare as follows:

1. I am an associate in the law firm of Weinberg, Roger & Rosenfeld, located at 1001 Marina Village Parkway, Suite 200, Alameda, California, 94501-1091, the attorneys for Plaintiffs in this matter. I have knowledge of the facts stated in this Declaration and I could and would testify competently thereto.

2. Defendants, Ken Douglas Schuldt, Individually; Ken Douglas Schuldt, Individually

1 and doing business as All Access Bobcat; and All Access Bobcat, was timely served with the
2 complaint on January 3, 2008. Proofs of service were filed before this Court with the Summons
3 evidencing such service on January 8, 2008.

4 3. Defendants filed an Answer and Affirmative Defenses on January 24, 2008.

5 4. Plaintiffs and Defendant met and conferred regarding the ADR options and filed the
6 necessary ADR certifications with this Court on March 7, 2008. Richard Sax, counsel for
7 Defendants, and I agreed to later meet and confer regarding the Case Management Conference
8 Statement.

9 5. On March 24, 2008 I received a phone message from Mr. Sax's assistant, Diane
10 Rantanen, regarding the illness of Mr. Sax and much of his staff.

11 6. On March 25, 2008 I called the Law Offices of Richard Sax to discuss the filing of a
12 joint Case Management Conference Statement and was notified that Mr. Sax and many of his staff
13 were taken ill and that Mr. Sax was still not back to work. His assistant, Diane Rantanen,
14 requested that I file a request to continue the Case Management Conference for thirty (30) days.

15 I declare under penalty of perjury that the foregoing is true and correct.

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17 Dated: March 25, 2008

18 //s//

CONCEPCIÓN E. LOZANO-BATISTA

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